



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,968	06/21/2000	Roberto Aiello	FANT-00-013	7156

7590 07/24/2003

PETER R. MARTINEZ, ESQ.  
LUCE, FORWARD, HAMILTON & SCRIPPS LLP  
11988 EL CAMINO REAL  
SUITE 200  
SAN DIEGO, CA 92130

EXAMINER

PHU, PHUONG M

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/599,968

Applicant(s)

AIELLO ET AL.

Examiner

Phuong Phu

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the pulse sampling rate" on line 3. This limitation is lack of antecedent basis. Claim 11, dependent on claim 10, is therefore also rejected.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilhousen et al (5,715,236).

As per claims 1, 5, 6, 14, 15, 17 and 18, see figures 1, 2, 3, 9 and 11, and col. 5, line 48 to col. 16, line 26 and col. 28, line 1 to col. 29, line 52 and col. 32, line 16 to col. 33, line 52.

Regarding to claim 14, Gilhousen et al discloses a spread-spectrum system (figure 1) comprising a first slave transceiver (16); a second slave transceiver (18) and a master transceiver (12) wherein said maser transceiver to manage data transmission and synchronization between said first transceiver and said second transceiver (see col. 5, line 48-57).

Art Unit: 2631

Regarding to claims 1, 5, 6, 15, 17 and 18, the system includes a receiver (figure 2) wherein the receiver comprises:

rf front end means (30);

detector means (34) for detecting a received signal by scanning in time domain (see col. 14, lines 30-37); and

data recovery means (32, 36, 50) for receiving spread spectrum rf signals having different modulation methods, which are performed at a slave transceiver by means (606), means (610) and means (612) (see figure 11), and means (436) (see figure 9), and having different data rates, i.e., having different pulse repetition frequencies (see col. 33, lines 42-44).

As per claims 2, 7, 16 and 19, Gilhousen et al discloses that said data recovery means can receive signals modulated by two-phase keying (see col. 34, lines 49-65).

As per claims 3, 4, 8 and 9, Gilhousen et al discloses that said data recovery means receive signal modulated with amplitude modulations performed by means (606), means (610) and means (612) (see figure 11).

As per claim 10, Gilhousen et al discloses a device "receiving decoder" for detect changes in data rate (see col. 11, lines 17-26).

As per claims 11 and 12, Gilhousen et al discloses a A/D module (112) (see figure 3) for determining when to sample an incoming signal to generate digital output signals.

As per claim 13, Gilhousen et al discloses a decoder (36, 50) as claimed.

As per claim 20, Gilhousen et al discloses that said first slave transceiver communicates with said master transceiver (see figure 1).

Art Unit: 2631

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 703-308-0158. The examiner can normally be reached on M-F (8:30-6:00) First Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

*Phuong Phu*

Phuong Phu  
May 29, 2003

Phuong Phu  
Primary Examiner  
Art Unit 2631

**PHUONG PHU  
PRIMARY EXAMINER**